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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,951	01/10/2001	Francois - Xavier Nuttall	11245.00053	1267

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EXAMINER

WANG, MARY DA ZHI

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No.	Applicant(s)
	09/757,951	NUTTALL, FRANCOIS - XAVIER
Examiner	Art Unit	
Mary Wang	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 September 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 9-25 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 22 and 23 is/are allowed.

6) Claim(s) 9-13, 17-21, 24 and 25 is/are rejected.

7) Claim(s) 14-16 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Status of claims

1. Claims 9-25 are pending. Claims 9, 12 and 17 have been amended. Claims 18-25 have been added.

Response to Arguments

2. Applicant's arguments with respect to claims 9-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-13, 17-21 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al., U. S. Patent 5,629,980 in view of Nauckhoff, U. S. Patent 5,893,128.

As to claim 9, Stefik teaches a method for managing accessing to a digital work, the method for execution by a reconciling node (is interpreted as repository), the method comprising (column 7 lines 40-56 and Fig. 2):

a) Receiving via a network a first report, the first report being provided in response to a transaction that provided the digital work from a content providing node to a content requesting node, the first report comprising a transaction identifier (column 31 lines 23-37 and Fig. 18);

- b) Receiving via the network a second report that originated from a content managing node (column 33 lines 37-48 and Fig. 19);
- c) Comparing the value and the transaction identifier is taught by Stefik as detecting communication failures (column 33 line 37 – column 34 line 2 and Fig. 19);
- d) Transmitting onto the network a message enabling a credit to an account corresponding the payee identifier is taught by Stefik as commit report to credit server (Figs. 3, 19).

Stefik does not specifically state the second report comprising a value and a payee identifier. It would have been obvious one of ordinary skill in the art to allow the second report of Stefik to include a value and payee identifier because the user's credit information would be better verified, and if the user's credit information is approved, the server would be more confident to issue the user a copyright of the requested digital work.

The modified method of Stefik as discussed above does not specifically teach the reconciling node acts as a central node to coordinate all the process as discussed above. Nauckhoff teaches a central node or a coordinating node coordinating transactions among its end users (column 2 line 66 – column 3 line 34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the modified method of Stefik to include a coordinating node as taught by Nauckhoff because it would retain necessary central control over process and data as stated by Nauckhoff (column 3 lines 23-34).

As to claim 10, Stefik teaches the first report comprises indicia of a difference, the difference prepared in accordance with a start report originating from the content requesting node and a summary report originating from the content requesting node (column 33 lines 39-55 and Fig. 19).

As to claim 11, receiving via the network a plurality of records is inherent for Stefik's system; Stefik further teaches determining the first report in accordance with a record of the plurality (Figs. 18-19).

As to claim 18, the combined method of Stefik and Nauckhoff teaches a memory device comprising indicia of the method of claim 9.

Claims 12-13, 17, 19-21 and 24-25 are rejected for the similar reason as claims 9-11 and 18.

Allowable Subject Matter

5. Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 22-23 are allowed
7. A statement of reasons for the indication of allowable subject matter was stated in the previous office action.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Wang whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 746-7238 (After Final Communication)

(703) 746-7239 (Official Communications)

(703) 746-7240 (For Status inquiries, draft communication)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3900.

Mary Wang
Patent Examiner
Art Unit 3621
December 13, 2002

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600